REMARKS

New Claim 40 has been added based on the disclosure of Composition 7 of Table 2 at pages 60-61.

New Claim 41 has been added based on the disclosure at page 19, lines 13-32 and page 23, lines 25-28.

New Claim 42 has been added based on the disclosure of Compositions 1 and 2 of Table 4 at page 65.

Claims 1 and 12-42 are in the application.

Claim 1 has been amended to specify that the claimed liquid fabric softening composition is a stable composition.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with Markings to Show Changes Made".

Rejection under 35 U.S.C. § 103

Claims 1 and 12-39 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 97/03169 ("WO '169"). Applicants respectfully traverse this rejection. Claim 1 has now been amended to specify stable compositions that comprise from about 2% to about 80% of fabric softener, at least an effective amount of principal solvent to provide a clear or translucent composition, and from about 0.5% to about 10% of electrolyte. Although WO '169 discloses that the compositions taught therein may comprise electrolytes such as calcium and magnesium salts, WO '169 do not teach or suggest stable compositions that comprise from about 0.5% to about 10% of electrolyte. WO '169 discloses that its compositions may optionally contain water soluble calcium and/or magnesium compounds, such as chloride salts, but describes that the level of such compounds will be from 0% to about 2%, preferably from about 0.05% to about 0.5%, more preferably from about 0.1% to about 0.25%, to provide additional stability. *See* page 93, line 34 to page 94, line 2. In addition, a review of WO '169 finds that the highest level of electrolyte that is used any example is 0.25% ($CaCl_2$), which appears in Example III on page 112.

In contrast, the present invention relates to clear or translucent compositions that are stable and that comprise higher levels of electrolytes in combination with a broader range of principal solvents—e.g. those having a ClogP of from about –2.0 to about 2.6—to provide a clear or translucent composition. WO '169 does not teach or suggest that by elevating the level of electrolyte (e.g. to at least about 0.5%), one can use a broader range of principal solvent (e.g. having a ClogP of from about –2.0 to about 2.6) to provide a clear or translucent composition that is stable.

Furthermore, new Claim 40 specifies that the composition comprises a level of electrolyte of from about 2.2% to about 10%, by weight of the composition. WO '169 clearly does not teach or suggest compositions that comprise more than 2% of electrolyte.

New Claim 41 specifies that the composition comprises a principal solvent having a ClogP of from about -2.0 to less than 0.15 or from more than 0.64 to about 2.6. WO '169 discloses compositions containing principal solvents having a ClogP of from 0.15 to 0.64, but clearly do not teach or suggest compositions comprising a principal solvent having a ClogP outside that range as claimed in Claim 41.

With respect to Claim 42, this claim requires a level of principal solvent of less than about 14.65%. WO'169 does not teach or suggest clear or translucent, stable compositions comprising less than about 14.65% of principal solvent in combination with from about 0.5% to about 10% of electrolyte.

Applicants therefore submit that Claims 1 and 12-42 are unobvious and patentable over WO '169 under 35 U.S.C. §103(a).

CONCLUSION

In view of the foregoing amendments and accompanying remarks, reconsideration of the application and allowance of all claims are respectfully requested.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

New Claims 40-42 have been added.

Claim 1 has been amended as follows:

1. (Amended) [Clear,] A clear or translucent, stable liquid fabric softener composition comprising:

E. from about 2% to about 80% by weight of the composition of fabric softener;

F. at least an effective level of principal solvent having a ClogP of from about -2.0 to about 2.6 to provide a clear or translucent composition;

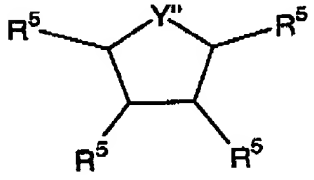
G. from about 0.5 % to about 10% by weight of the composition of electrolyte;

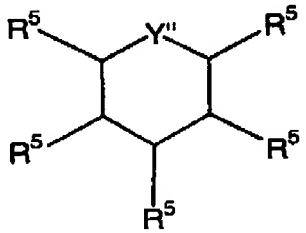
H. optionally, from 0% to about 15% by weight of the composition of phase stabilizer selected from the group consisting of:

a. nonionic surfactants derived from saturated and/or unsaturated primary, secondary, and/or branched, amine, amide, amine-oxide, fatty alcohol, fatty acid, alkyl phenol, and/or alkyl aryl carboxylic acid compounds having from about 6 to about 22 carbon atoms in a hydrophobic chain, wherein at least one active hydrogen of said compounds is ethoxylated with ≤ 50 ethylene oxide moieties to provide an HLB of from about 8 to about 20;

b. nonionic surfactants with bulky head groups selected from:

a. surfactants having the formulas:





wherein Y'' = N or O; and each R^5 is selected independently from the following: -H, -OH, $-(CH_2)xCH_3$, $-O(OR^2)_z$-H, $-OR^1$, - $OC(O)R^1$, and $-CH(CH_2-(OR^2)_{z'}-H)-CH_2-(OR^2)_{z'}-C(O)\ R^1$, wherein R^1 is selected from the group consisting of saturated or unsaturated, primary, secondary or branched chain alkyl or alkyl-aryl hydrocarbons; said hydrocarbon chain having a length of from about 6 to about 22, wherein each R^2 is selected from the following groups or combinations of the following groups: $-(CH_2)_n$- and/or $-[CH(CH_3)CH_2]$- wherein n is from 1 to 4; and wherein x is from 0 to about 3, and z, z', and z'' are from about 5 about 20;

b. polyhydroxy fatty acid amide surfactants of the formula:

$$R^2 - C(O) - N(R^1) - Z$$

wherein: each R^1 is H, C_1-C_4 hydrocarbyl, C_1-C_4 alkoxyalkyl, or hydroxyalkyl; R^2 is a C_5-C_{21} hydrocarbyl moiety; and each Z is a polyhydroxyhydrocarbyl moiety having a linear hydrocarbyl chain with at least 3 hydroxyls directly connected to the chain, or an ethoxylated derivative thereof;

c. surfactants having the formula

$$R^1\text{-}C(O)\text{-}Y'\text{-}[C(R^5)]_m\text{-}CH_2O(R_2O)_zH$$

wherein R^1 is selected from the group consisting of saturated or unsaturated, primary, secondary or branched chain alkyl or alkyl-aryl hydrocarbons; said hydrocarbon chain having a length of from about 6 to about 22; Y' is selected from the following groups: -O-; -N(A)-; and mixtures thereof; and A is selected from the following groups: H; R^1; $-(R^2\text{-}O)_z\text{-}H$; $-(CH_2)_xCH_3$; phenyl, or substituted aryl, wherein x is from 0 to about 3 and total z is from about 5 to about 30; each R^2 is selected from the following groups or combinations of the following groups: $-(CH_2)_n-$ wherein n is from about 1 to about 4 and/or $-[CH(CH_3)CH_2]-$; each R^5 is selected from the following groups: -OH; and $-O(R^2O)_z\text{-}H$; and m is from about 2 to about 4; and

d. mixtures thereof;

e. surfactant complexes formed by one surfactant ion being neutralized with surfactant ion of opposite charge or an electrolyte ion that is suitable for reducing dilution viscosity;

d. block copolymer surfactants comprising polyethylene oxide moieties and propylene oxide moieties;

e. cationic surfactants having the formula:

$$\{R^1{}_m - Y - [(R^2\text{-}O)_z - H]_p\}^+ X^-$$

wherein R^1 is selected from the group consisting of saturated or unsaturated, primary, secondary or branched chain alkyl or alkyl-aryl hydrocarbons; said hydrocarbon chain having from about 6 to about 22 carbon atoms; each R^2 is selected from the following groups or combinations of the following groups: $-(CH_2)_n-$ and/or $-[CH(CH_3)CH_2]-$;Y is selected from the following groups: $=N^+\text{-}(A)_q$; $-(CH_2)_n\text{-}N^+\text{-}(A)_q$; $-B\text{-}(CH_2)_n\text{-}N^+\text{-}(A)_2$; -(phenyl)-$N^+$-$(A)_q$; -(B-phenyl)-$N^+$-$(A)_q$; with n being from about 1 to about 4, wherein each A is independently selected from the following groups: H; $C_{1\text{-}5}$ alkyl; R^1; $-(R^2O)_z\text{-}H$; $-(CH_2)_xCH_3$; phenyl, and substituted aryl; where x is from 0 to about 3; and each B is selected from the following groups:

-O-; -NA-; -NA_2; -C(O)O-; and -C(O)N(A)-; wherein R^2 is defined as hereinbefore; q = 1 or 2; m + p + q = 4; total z per molecule is from about 3 to about 50; and X^- is an anion which is compatible with fabric softener actives and adjunct ingredients; and

6. mixtures thereof;

E. optionally, from 0 to about 15% perfume; and

F. the balance water

wherein said electrolyte and said phase stabilizer, when present, provide at least one improvement selected from: lower dilution viscosity; the same, or better, stability with less principal solvent; and/or the use of principal solvents with a ClogP outside the range of from about 0.15 to about 0.64.